

The Georgia Board of Chiropractic Examiners met on September 9, 2004 at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia for the purpose of conducting business.

Members Present:

- David A. Wren, D.C., President
- James A. Anchors, D.C., Vice President
- Patrick J. Sallarulo, D.C.,
- Karen Mathiak, D.C.
- J. Craig Patterson, D.C.

Members Absent:

Others Present:

Jacqueline Hightower, Executive Director, Yvonne LeSane, Board Secretary, Felicia Mackey, Applications Specialist, Ajay Gohil, Assistant Attorney General, Kathy Harvey, Enforcement, Dr. Guy Riekeman, D.C., President Life University.

President Wren established that a quorum was present, and called the meeting to order at 10:25 A.M.

Minutes: Dr. Mathiak moved and Dr. Sallarulo seconded and the Board voted to approve the Minutes from the July 15, 2004 Board meeting as amended.

Dr. Anchors moved and Dr. Mathiak seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. § O.C.G.A. §43-1-2(k)(1)(2), O.C.G.A. § 50-14-2(1), O.C.G.A. § 43-1-2(k)(4) and O.C.G.A. § 43-1-1-19(4) to deliberate on Applications, Attorney General's Report, Cognizant Report and Investigative Interview and to receive information on Applications, Attorney General's Report, Cognizant Report and Investigative Interviews. Voting in favor of the motion were those present who included Board Members Wren, Sallarulo, Anchors, Mathiak and Patterson. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

Correspondence: The board reviewed correspondence and discussed the following items of interest:

Tammy L. Brazeal: Diagnostic tests done in Georgia and interpreted in Florida by a Florida Medical doctor. Does the interpreting provider need to be licensed in the state of Georgia if the test was performed there? **Board response:** Forward to the Executive Director of the Medical Board.

Seminar Innovations, Inc.: Board review of OnlineChiroCredits.com Chiropractic Continuing Educations. **Board response:** Ms. Hightower sent questions to Seminar Innovations. Course is acceptable if meets the requirements of the Rule.

Raylene Campbell, D.C.: Does the GA Board accept online continuing education credits, specifically a certificate of completion from Texas Chiropractic College. **Board response:** Ms.

Hightower sent questions to Seminar Innovations. Course offered through Texas Chiropractic College are acceptable.

Federation of Chiropractic Licensing Boards (FCLB): Invitation to the Combined Fall Districts III & V Meeting – Memphis, TN: September 30 – October 3, 2004. **Board response:** The Board is unable to attend.

National Board of Chiropractic Examiners (NBCE): Attendance at the May 2005 Federation of Chiropractic Licensing Boards and National Board of Chiropractic Examiners annual meeting in Montreal, Canada. **Board response:** Dr. Mathiak moved and Dr. Sallarulo moved and the Board voted to attend the meeting and request the Secretary of State to pay registration fees for all Board members as well as the expenses for a Board member.

National Board of Chiropractic Examiners (NBCE): NBCE invitation to proctor the November 2004 Part IV exam administration. **Board response:** Dr. Sallarulo will be attending and has forwarded his information. Dr. Anchors or Dr. Mathiak may attend and will respond.

Laurence Smith: Do you need a Georgia license to write a Peer Review Report in Georgia?
Board response: Board doesn't have enough information to address the question.

John E. King, Attorney At Law: Whether there is a procedure to allow Chiropractors to solicit business. **Board response:** Rules are clear and refer to law.

Branden Evans: Are pre-paid cash plans ethically & legally acceptable if set up properly?
Board response: The Board does not offer legal advice or opinions, please refer to law and rules.

Dr. Riekeman, President, Life University:

Dr. Riekeman provided the Board with the status of Life University under Dr. Riekeman's presidency.

Dr. Riekemen discussed the accreditation status and future initiatives regarding student enrollment, finances, accreditation and administration.

The Board agreed to send Dr. Riekeman a thank you letter.

Board Policies/Board Rules:

The Board reviewed Chiropractic Board Policies. Dr. Sallarulo moved and Dr. Mathiak seconded and the Board voted to add the requirement of Ethics and Boundaries Examination to all policies.

Policy #3: Guidelines for Request of Records to be Released: Dr. Sallarulo moved and Dr. Mathiak seconded and the Board voted to make a rule of policy # 3. Ms. Hightower and Dr. Sallarulo will collaborate on writing the rule.

Policy: Federal Student Loan Default: Dr. Sallarulo moved and Dr. Mathiak seconded and the Board voted to make a policy on failure to pay Federal student loans to include the following stipulations:

- ? License Suspended;
- ? \$1,500 fine payable within 30 days of suspension;
- ? 1 year probation;
- ? Public Reprimand, and
- ? Successfully take and pass the Ethics and Boundaries Examination

The licensee may request, in writing, to meet with the Board, but must explain the necessity of the meeting. Such request must be made within 30 days of receipt of notification to suspend said Chiropractic license. If the request is not supported by evidence of compliance or wrong person, pursuant to Georgia Law, then staff shall not allow an appearance.

Federal Student Loan Default:

Dr. Patrick Sallarulo, moved and Dr. Karen Mathiak seconded and the Board voted to suspend the following license(s) to practice as a Chiropractor, effective 30 days from the date of the "First Notice Letter of Suspension", for nonpayment status or default or breach of repayment or service obligation for his/her federal educational loan, service conditional loan repayment program, or service conditional scholarship program. Further moved that such suspension shall be STAYED pending an appearance before the board **if a request for an appearance is timely received**, and based upon sufficient grounds, that this suspension shall be lifted upon receipt of a written release from the federal agency that the following licensee(s) are/is not the person(s) at issue or is making payments on the loan, service conditional loan repayment program, or service conditional scholarship program satisfying the payment or service requirements in accordance with an agreement approved by the federal agency. Further moved to follow Board policy and Division policy:

Baith, Salih A.
Bishop, William B.
Bohr, Corinne
Brooks, William B.
Cavaliere, Frances
Chimoff, Mark Elliott
Cutler, Peter G.
Dannels, Douglas G.

Denker, Beth Ann
Donaldson, Cater Wilson
Duckett, Michael
Earley, Kenneth
Elkins, Richard E.
Ficco, David
Fowler, Jon Terry
Francis, Michael-Jon

Gill, Joseph
Kershner, Patricia
Massengale, Gregory
Penn, Paul
Sheick, Steven A.
Strickland, Jeffrey

Proposed Draft Revision – V-I to O.C.G.A. 43-6: Dr. Anchors or Dr. Mathiak will provide information to Ms. Hightower before the upcoming November 2004 Board meeting regarding revisions to the Chiropractic Law.

The Board discussed a proposed law revision to allow removal of public disciplinary.

MD/DC PRACTICE

Committee: Dr. Mathiak moved and Dr. Patterson seconded and the Board voted to form a committee consisting of Dr. Mathiak and Dr. Anchors to review and make recommendations on ethics, professional conduct, the probability of making a policy on MD/DC and further to investigate to make policy or rule.

PROBATION REPORT:

Myra Sargeant Dr. Wren moved and Dr. Sallarulo seconded and the Board voted to request an update from Enforcement for presentation at the November 18, 2004 meeting.

N.H.G.: Dr. Anchors moved and Dr. Mathiak seconded and the Board voted to request drug screen and release if satisfactory.

FG: Dr. Anchors moved and Dr. Mathiak seconded and the Board voted refer the Assistant Attorney General's office for non-compliance.

R.L. Mayfield: Dr. Anchors moved and Dr. Mathiak seconded and the Board voted to release from probation.

James E. Quintas: Dr. Anchors moved and Dr. Mathiak seconded and the Board voted to request (2) copies of legible copies of office notes.

Cyril Agu: Dr. Anchors moved and Dr. Mathiak seconded and the Board voted to review for release of probation March 2005.

Dr. Mathiak moved and Dr. Anchors seconded and the Board voted to accept the Probation Report.

ATTORNEY GENERAL'S REPORT:

Mr. Gohil presented an update on the following cases:

CHIR030023, CHIR00169, CHIR00100026, CHIR01100078, CHIR030014, CHIR030039, CHIR050018, CHIR040048, CHIR01100052, CHIR040030, CHIR030075, CHIR020040, CHIR030079, CHIR030016, CHIR01100040, CHIR01100038, CHIR0100019, CHIR01100100, CHIR00100025, CHIR01100086, CHIR01100109

Thaddeus J. Layton: Mathiak moved and Dr. Sallarulo seconded and the Board voted to accept the signed Consent Order. Docket number 2004-1427.

Anthony Dinatale: Mathiak moved and Dr. Sallarulo seconded and the Board voted to accept the signed Consent Order. Docket number 2004-1425.

Joseph L. Esposito: Mathiak moved and Dr. Sallarulo seconded and the Board voted to accept the signed Consent Order. Docket number 2004-1426.

Robert Victor Murgatroyd: Mathiak moved and Dr. Sallarulo seconded and the Board voted to accept the signed Consent Order. Docket number 2004-1428.

Anthony Brooks: Mathiak moved and Dr. Sallarulo seconded and the Board voted to accept the signed Consent Order. Docket number 2004-1429.

CHIR01100038: Dr. Mathiak moved and Dr. Sallarulo seconded and the Board voted to decline acceptance of consent order and require Board policy.

Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to accept the Attorney General's report.

COGNIZANT MATTERS:

CHIR040011: Dr. Sallarulo moved and Dr. Mathiak seconded and the Board voted to close.

CHIR030050: Dr. Sallarulo moved and Dr. Mathiak seconded and the Board voted to refer to the Assistant Attorney General's office and recommend disciplinary action of one year probation, Ethics and Boundaries Examination and \$1,000. fine.

CHIR01100108: Dr. Sallarulo moved and Dr. Patterson seconded and the Board voted to lift the probation.

CHIR000130: Dr. Sallarulo moved and Dr. Mathiak seconded and the Board voted to lift the probation.

CHIR030069: Dr. Sallarulo moved and Dr. Mathiak seconded and the Board voted to close.

CHIR040071: Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to close with a letter of concern upon release of records.

CHIR030004: Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to close.

CHIR01100042: Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to subpoena records.

CHIR050011: Forward requested records to Dr. Patterson when received.

CHIR040068: Pending receipt of x-rays.

CHIR040001: Pending receipt of records

CHIR050005: Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to close case and flag if submits an application for licensure.

CHIR040067: Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to close if corrects letterhead.

CHIR040069: Dr. Anchors moved and Dr. Patterson seconded and the board voted to have records subpoenaed.

CHIR050015: Dr. Anchors moved and Dr. Patterson seconded, and the Board voted to close.

CHIR030003: Dr. Anchors moved and Dr. Patterson seconded and the Board voted to close with letter of concern.

CHIR040042: Dr. Anchors moved and Dr. Mathiak seconded, and the Board voted to take no further action until submits an application for licensure.

CHIR040063: Dr. Anchors moved and Dr. Patterson seconded and the board voted to have an Investigative Interview October 5, 2004 in Atlanta, if all records received.

Dr. Anchors moved and Dr. Patterson seconded and the Board voted to accept the Cognizant Member's Reports.

ENFORCEMENT MATTERS: (Investigative Interviews)

CHIR030014: re-schedule for November 18, 2004.

CHIR050004: following an investigative interview, Dr. Patterson moved, Dr. Mathiak seconded, and the Board voted to close the case upon receipt of appropriate stationery.

CHIR040066: following an investigative interview with the Attorney for the respondent, Dr. Mathiak moved and Dr. Patterson seconded and the Board voted to request an interview with the licensee.

CHIR040002: following an investigative interview, Dr. Anchors moved, Dr. Patterson seconded and the board voted to refer to the Assistant Attorney General and recommend disciplinary action of \$500. fine, Ethics and Boundaries Examination, 30 days to submit patient records, provide protocol for x-rays, public reprimand and right of inspection.

CHIR040053: following an investigative interview, Dr. Wren will forward recommendations to staff.

CHIR040036: following an investigative interview, Dr. Mathiak moved, Dr. Patterson seconded, and the Board voted to subpoena records.

F.G.: following an investigative interview, Dr. Patterson moved, Dr. Anchors seconded and the Board voted to refer to the Assistant Attorney General for non-compliance with consent order.

ENFORCEMENT REPORT: Dr. Patterson moved, Dr. Sallarulo seconded and the board voted to take the following actions on cases presented by enforcement:

CHIR040036 & CHIR040047: Enforcement requested clarification. Dr. Wren moved and Dr. Sallarulo seconded and the Board voted to subpoena records.

CHIR030040: Dr. Sallarulo moved and Dr. Mathiak seconded and the Board voted to interview subject and Cognizant to contact Enforcement.

CHIR040046: Enforcement requested clarification because unsure how to show unlicensed practice. Dr. Mathiak moved and Dr. Sallarulo seconded and the Board voted to subpoena records.

CHIR040064: Enforcement requested clarification because they are unable to locate subject. Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to keep case open for an updated address during renewals.

CHIR010042: Enforcement requested clarification because they are unable to locate subject. Dr. Sallarulo moved and Dr. Mathiak seconded and the Board voted to subpoena records.

CHIR010026: Enforcement requested clarification because they are unable to locate subject. Dr. Sallarulo moved and Dr. Mathiak seconded and the Board voted to subpoena records.

CHIR010025: Enforcement requested clarification because they are unable to locate subject. Dr. Sallarulo moved and Dr. Mathiak seconded and the Board voted to subpoena records.

The Board requested updates on the following cases:

CHIR040025 and CHIR040033

Dr. Patterson moved and Dr. Mathiak seconded and the Board voted to accept the Enforcement Reports.

Dr. Sallarulo moved and Dr. Mathiak seconded and the Board voted to refer all runner cases to the Georgia State Bar Association.

Executive Director Report:

- November Board meeting date: November 18, 2004
- Board Presidents/Chairs to meet with Cathy Cox November 4, 2004
- Renewal Process/Newsletter

2005 Board Meeting Dates:

The Board approved the following dates:

January 13th, March 10th, April 28th, July 14th, September 15th and November 10th

The Board discussed meetings without staff present and holding a conference call in October to discuss outstanding issues.

APPLICATIONS:

Dr. Sallarulo moved, Dr. Patterson seconded and the Board voted to approve Chiropractic applications for licensure determined to have met licensure requirements as follows:

Name	License No.	Obtained By	Issue Date
Brady, Michelle Proulx	CHIR007682	Application	7/14/2004
Gana, Mitchell Ryan	CHIR007683	Application	7/14/2004
Hoeffner, John Michael	CHIR007684	Application	7/14/2004
Holewinski, Robert W.	CHIR007685	Application	7/14/2004
Erthal, Daniel	CHIR007686	Application	7/15/2004
Kilchenstein, Kenneth Walter	CHIR007687	Endorsement	7/15/2004
Peyroux, Steven Douglas	CHIR007688	Endorsement	7/15/2004
Scott, Albert Paul	CHIR007689	Application	7/16/2004
Gilliam, Nicole Antionette	CHIR007690	Application	7/20/2004
Kind, Dana	CHIR007691	Application	7/20/2004
Rossi, Aaron Paul	CHIR007692	Application	7/21/2004
You, Hyonmok	CHIR007693	Application	7/21/2004
Sharp, Brian Lane	CHIR007694	Application	7/21/2004
Megronigle, David Wayne	CHIR007695	Application	7/21/2004
Pugh, Matthew Etsel	CHIR007696	Application	7/27/2004
Tompkins, Kurt B.	CHIR007697	Application	7/27/2004
Gorman, Sharon Ray	CHIR007698	Endorsement	7/27/2004
Gregor, Laura Jude	CHIR007699	Application	7/27/2004
Suarez, Ingrid G.	CHIR007700	Application	7/27/2004
Guagliardo, Joseph G.	CHIR007701	Application	7/27/2004
Merrill, Nancy Poulin	CHIR007702	Endorsement	7/27/2004
Gasiecki, Michael Edward	CHIR007703	Application	7/30/2004
Yakimetz, Teralea Ann	CHIR007704	Application	8/3/2004
Pariser, Tali Stela	CHIR007705	Application	8/3/2004
Pinnata, Robert Thomas	CHIR007706	Application	8/5/2004
Stevens, Keith Andrew	CHIR007707	Application	8/11/2004
DePol, Scott Howard	CHIR007708	Endorsement	8/11/2004
Burry, Stephanie M.	CHIR007709	Application	8/11/2004
Dreyer, Russell Cranford	CHIR007710	Application	8/11/2004
Malinowski, Keith Louis	CHIR007711	Application	8/18/2004
Virusso, Carl Joseph	CHIR007712	Endorsement	8/18/2004
Capolino, Thomas Francis	CHIR007713	Application	8/26/2004
Bendiks, Frank	CHIR007714	Endorsement	8/26/2004
Williams, Christopher Bishop	CHIR007715	Application	8/26/2004
McRae, Jason David	CHIR007716	Endorsement	8/26/2004
Alexander, Adam Travis	CHIR007717	Application	8/26/2004
Loop, Matthew John	CHIR007718	Application	8/30/2004
Sills, Tina R	CHIR007719	Application	8/30/2004
Boyle, John Christian	CHIR007720	Application	8/30/2004
Kraimer, Alan Stockser	CHIR007721	Endorsement	8/30/2004

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Harrier, Melissa Jo	CHIR007722	Application	8/31/2004
Baxter, Kellie Cherie'	CHIR007723	Application	8/31/2004
Parham, Saeideh ZanJani	CHIR007724	Application	8/31/2004

Dr. Sallarulo moved and Dr. Patterson seconded and the Board voted to approve applications for reinstatement determined to have met reinstatement requirements as follows:

Name	License No.	Issue Date
Gilbert, Marland Dale	CHIR007212	8/18/2004

Dr. Sallarulo moved and Dr. Patterson seconded and the Board voted to approve applications for reactivation determined to have met reactivation requirements as follows:

Name	License No.	Issue Date
Mattiello, Vincent T.	CHIR006962	8/3/2004

There being no further business to come before the Board, the meeting adjourned at 5:30 p.m.

Minutes prepared by: Yvonne LeSane, Board Secretary

Reviewed/Edited by: Jacqueline A. Hightower, Executive Director

David A. Wren, D.C.
Board President

Mollie L. Fleeman
Division Director